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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,901	08/20/2003	Alfred Lauper	2001P03154WOUS	4653
28204	7590	12/15/2005	EXAMINER	
SIEMENS SCHWEIZ I-44, INTELLECTUAL PROPERTY ALBISRIEDERSTRASSE 245 ZURICH, CH-8047 SWITZERLAND			FISHER, MICHAEL J	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/643,901	Applicant(s) LAUPER ET AL.	
	Examiner Michael J. Fisher	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PAT 6,127,917 to Tuttle.

As to claim 1, Tuttle discloses a method with a ticket (32, as best seen in fig 4), that has a processor module (60), a storage module (64), a receiver (56), a transmitter (58). Tuttle discloses transmitting from a first transmitter (50) to the ticket a first information unit comprising the zone (130, as best seen in fig 13), determining a timepoint based on pre-defined attendance (time to board the flight), receiving at the timepoint and ticket a second information unit comprising the identity (fig 13), transmitting to tickets egress information (inherent in that Tuttle discloses tracking position, 142 as best seen in fig 13).

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Tuttle does not, however, teach storing the location information on the ticket but does teach the ticket as storing information (col 18, lines 26-48, as it is displayed, it must be stored), Tuttle teaches storing the information at the controller (132,134 as best seen in fig 13). Reversal of parts is old and well known in the art (In re Gazda, 104 USPQ 400,402; 219 F.2d 449 (CCPA 1955)). Therefore, it would have been obvious to one of ordinary skill in the art to have the ticket store the location information as Tuttle discloses the need to track location to ensure the user meets schedule imperatives (col 16, lines 44-55).

As to claims 2 and 3, Tuttle discloses the system as being intermittently switched to active (col 6, lines 60-65).

As to claim 4, Tuttle does not specifically teach deactivating the ticket following storage of attendance information. It would have been obvious to one of ordinary skill in the art to turn it off when attendance is achieved (making the flight) as Tuttle discloses shutting it off to save power and once the user is on the flight, the ticket would not longer be necessary.

As to claim 5, Tuttle discloses transmitting the information as Tuttle discloses it as being displayed (on monitors 170).

As to claims 6 and 7, Tuttle discloses the field as adjustable from near to far (col 6, lines 20-31).

As to claims 8 and 9, Tuttle discloses transmitting the second information unit by the first transmitter (as Tuttle discloses the system as being used airport wide (col 18, lines 65-67) it would be inherent that the first transmitter transmits all information).

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As to claim 10, Tuttle discloses transmitting further information after a random time period after receipt of the first information unit (before their flight, it would be random in that it is not disclosed as being set after the initial communication).

As to claim 11, Tuttle discloses transmitting the information repeatedly until it is received.

As to claim 12, Tuttle discloses identifying the attendance as debited on the ticket (158, as best seen in fig 14).

As to claim 13, Tuttle discloses a display module on the ticket for displaying the information (190, as best seen in fig 10).

As to claim 14, Tuttle discloses periodically switching the system on and off (fig 14).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US PAT 6,617,960 to Fischer et al. discloses a ticket system for tracking location and entry, US PAT 6,509,829 to Tuttle discloses a ticketing system for locating individuals in a controlled area.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Fisher whose telephone number is 571-272-6804. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MF 
12/06/05

Michael J. Fisher



Patent Examiner
GAU 3629